

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

CURTIS MCLAURIN,

Plaintiff,

5:22-cv-372 (BKS/DJS)

v.

CITY OF SYRACUSE POLICE DEPARTMENT
and ONONDAGA COUNTY,

Defendants.

Appearance:

Plaintiff pro se:

Curtis Mclaurin

96002141

Onondaga County Justice Center

555 South State Street

Syracuse, New York 13202

Hon. Brenda K. Sannes, Chief United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff pro se Curtis Mclaurin brought this action on April 19, 2022, alleging, inter alia, that Defendants City of Syracuse Police Department and Onondaga County violated his federal rights. (Dkt. No. 1). This case was referred to United States Magistrate Judge Daniel J. Stewart who, on July 29, 2022, issued a Report-Recommendation recommending that Plaintiff's complaint be dismissed with leave to amend because "[i]t consists of a series of differently captioned documents that fail to specifically articulate Plaintiff's allegations." (Dkt. No. 8, at 5, 7). Magistrate Judge Stewart noted that it "appear[ed] the allegations underlying the Complaint may relate to the filing of charges against Plaintiff in April 2022 that he alleges are false," but that Plaintiff failed to "identify the factual basis for his claims or explain on what basis he has

sued” Defendants. (*Id.* at 5). Magistrate Judge Stewart advised Plaintiff that, under 28 U.S.C. § 636(b)(1), he had fourteen days within which to file written objections to the Report-Recommendation, and that failure to object within fourteen days would preclude appellate review. (*Id.* at 7–8). Plaintiff did not file an objection to the Report-Recommendation.

As no objection to the Report-Recommendation has been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Court adopts the Report-Recommendation in its entirety.

For these reasons, it is hereby

ORDERED that Magistrate Judge Stewart’s Report-Recommendation (Dkt. No. 8) is **ADOPTED**; and it is further


ORDERED that Plaintiff’s complaint is **DISMISSED** without prejudice, with leave to file an amended complaint; and it is further

ORDERED that any amended complaint must be filed **within thirty (30) days** of the date of this Order. Any amended complaint must be a complete pleading which will replace the current complaint in total; and it is further

ORDERED that if Plaintiff files a timely amended complaint, it shall be referred to Magistrate Judge Stewart for review; and if Plaintiff fails to file a timely amended complaint, the Clerk is directed to close this case; and it is further

ORDERED that the Clerk serve a copy of this Order on Plaintiff in accordance with the Local Rules.

Dated: September 6, 2022
Syracuse, New York


Brenda K. Sannes
Chief U.S. District Judge